

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILLIAM JONES,

Petitioner,

v.

//

CIVIL ACTION NO. 1:11CV87
(Judge Keeley)

WILLIAM FOX, Warden,
St. Mary's Correctional Center,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On May 27, 2011, the pro se petitioner, William Jones ("Jones"), filed a petition pursuant to 28 U.S.C. § 2254. The Court referred this matter to United States Magistrate Judge James E. Seibert for initial screening and a report and recommendation in accordance with LR PL P 2. On October 24, 2011, the respondent, William Fox ("Fox"), filed a Motion to Dismiss Petition as Successive. (Dkt. No. 27). Although the Magistrate Judge issued a Roseboro notice to the petitioner the next day, Jones filed no response.

On January 17, 2012, Magistrate Judge Seibert issued an Opinion and Report and Recommendation ("R&R"), in which he recommended that Fox's motion to dismiss be granted and the petitioner's § 2254 petition be denied and dismissed with prejudice. (Dkt. No. 32). The magistrate judge determined that Jones is not entitled to file the instant § 2254 petition because he has not received authorization from the court of appeals to file

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a successive petition.

The R&R also specifically warned Jones that his failure to object to the recommendation would result in the waiver of any appellate rights he might otherwise have on this issue. The parties did not file any objections.* Consequently, the Court **ADOPTS** the Report and Recommendation in its entirety (dkt. no. 32), **GRANTS** the motion to dismiss (dkt. no. 27), **DENIES** the § 2254 petition (dkt. no 1) and **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and stricken from the Court's docket.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: April 9, 2012.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE

* The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).